

VILLAGE OF MT. AUBURN

ORDINANCE NO. 74

AN ORDINANCE AMENDING ARTICLE VII TO CHAPTER 9
TO THE MT. AUBURN VILLAGE CODE
(Re: Abandoned, Damaged, Inoperable or Unlicensed Vehicles)

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN
THIS 1st DAY OF November, 1999

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS
THIS 1st DAY OF November, 1999

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(Re: Abandoned, Damaged, Inoperable or Unlicensed Vehicles)

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: Article VII to Chapter 9 to the Mt. Auburn Village Code is hereby amended and shall now read as follows:

CHAPTER 9
MOTOR VEHICLE CODE

ARTICLE VII

ABANDONED, DAMAGED, INOPERABLE OR UNLICENSED VEHICLES

9-7-1: DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Chapter:

ABANDONED VEHICLE: Any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

DAMAGED VEHICLE: Any motor vehicle or non-motor vehicle which has been wrecked, stripped, junked, or disabled. "Damaged Vehicle" shall not include: (a) a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations not to exceed thirty (30) days; (b) any motor or non-motor vehicle that is kept within a completely enclosed building when not in use; (c) operable historic vehicles over twenty-five (25) years of age; (d) a vehicle on the premises of a place of business engaged in wrecking, salvage, or junking of vehicles and such premises are properly zoned and duly licensed and operating such place of business; (e) a motor or non-motor vehicle on the premises which are properly zoned to permit, and which is regularly and customarily engaged in a commercial business involving the commercial repair of vehicles; and (f) one unlicensed operable vehicle with a "For Sale" sign affixed thereto, for a period not to exceed thirty (30) days in any twelve (12) calendar month period.

INOPERABLE VEHICLE: Any motor vehicle from which for a period of at least seven (7) days, the engine, wheels or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power; or any non-motor vehicle from which, for a period of at least seven (7) days, the wheels or other parts have been removed or so altered, damaged, or otherwise treated that such vehicle is incapable of being moved in its ordinary mode of travel. "Inoperable Vehicle shall not include: (a) a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations not to exceed thirty (30) days; (b) any motor or non-motor vehicle that is kept within a completely enclosed building when not in use; (c) operable historic vehicles over twenty-five (25) years of age; (d) a vehicle on the premises of a place of business engaged in wrecking, salvage, or junking of vehicles and such premises are properly zoned and duly licensed and operating such place of business; (e) a motor or non-motor vehicle on the premises which are properly zoned to permit, and which is regularly and customarily engaged in a commercial business involving the commercial repair of vehicles; and (f) one unlicensed operable vehicle with a "For Sale" sign affixed thereto, for a period not to exceed thirty (30) days in any twelve (12) calendar month period.

MOTOR VEHICLE: A machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

OCCUPANT: Any adult person occupying the private property where any motor or non-motor vehicle is found.

OWNER: Any person or persons who is an owner, lessee, bailee or possessor of any motor or non-motor vehicle.

PERSON: Any person, firm, partnership, association, corporation, company, organization or entity of any kind, nature, or extent whatsoever.

PRIVATE PROPERTY: Any real private property within the corporate limits of the Village of Mt. Auburn, Illinois.

PUBLIC PROPERTY: Any real public property within the corporate limits of the Village of Mt. Auburn, Illinois.

UNLICENSED MOTOR VEHICLE: Any motor vehicle which does not have a current Illinois license and registration sticker affixed to same.

9-7-2: ABANDONMENT OF VEHICLES: No person shall abandon any vehicle within the Village on public or private property, and no person shall leave any vehicle at any place within the Village on public or private property for such time and under such

circumstances as to cause such vehicle reasonably to appear to have been abandoned. All said abandoned vehicles are hereby declared a nuisance.

9-7-3: MAINTENANCE OR STORAGE DECLARED NUISANCE:

A. No person shall maintain, store, or permit the storage on any public property for a period of seven (7) or more days, of any unlicensed motor vehicle or damaged vehicle or abandoned vehicle or inoperable vehicle. Such maintenance or storage is hereby declared a nuisance.

B. No person shall maintain, store, or permit the storage on any private property, for a period of fifteen (15) or more days, of any unlicensed motor vehicle or damaged vehicle or abandoned vehicle or inoperable vehicle. Such maintenance or storage is hereby declared a nuisance.

9-7-4: OWNER(S) REQUIRED TO ABATE NUISANCE:

A. **NUISANCE FOUND ON PRIVATE PROPERTY:** Whenever a member of the Village's Police Department or the Village President finds any inoperable vehicle, damaged vehicle or unlicensed vehicle or abandoned vehicle on private property, he or she shall issue a written Order to the "known" or "unknown" owner of such vehicle directing such owner to abate such nuisance, within ten (10) days, in one of the following ways: (1) Transfer to and store such vehicle in a completely enclosed building; or (2) permanently remove said vehicle to a location outside the corporate limits of the Village .

This Order shall include the vehicle's vehicle identification number (VIN); and shall be effective until said vehicle is placed within a completely enclosed building or removed from the Village's corporate limits. Notice of such Order shall be placed on such vehicle, and copies of the Notice shall be served on any adult occupant of the private property on which such vehicle is located, and also on the owner of the vehicle, if his or her name and whereabouts be known. If no occupant of such private property or owner of such vehicle can be found, such Notice affixed to any building on such private property shall constitute Notice to the owner and occupant of such private property and Notice to the owner of such vehicle. If there is no building on such private property, the Notice may be affixed elsewhere on such private property and same shall constitute the Notice to the occupant of such private property and Notice to the owner of such vehicle. If such vehicle is not removed within ten days pursuant to the Order and Notice, and if the Order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, the Police Department and/or Village President shall cause such vehicle to be removed by a junk or salvage yard or wrecker service; and all costs and expenses of the removal of said vehicle, the storage of said vehicle, and the disposal and/or sales charges shall be paid by and recoverable from the owner(s) of said vehicle, jointly and severally, in a suit at law.

B. **NUISANCE FOUND ON PUBLIC PROPERTY:** Whenever a member of the Village's Police Department or the Village President finds any inoperable vehicle,

damaged vehicle or unlicensed vehicle or abandoned vehicle on public property, he or she shall issue a written Order to the "known" or "unknown" owner of such vehicle directing such owner to abate such nuisance, within seven (7) days, in one of the following ways: (1) transfer to and store such vehicle in a completely enclosed building; or (2) permanently remove said vehicle to a location outside the corporate limits of the Village .

Notice of such Order shall be placed on said vehicle. If said vehicle is not removed within seven days pursuant to the Order and Notice, the Police Department and/or Village President shall cause said vehicle to be removed by a junk or salvage yard or wrecker service; and costs and expenses of the removal of said vehicle, the storage of said vehicle and the disposal and/or sales charges shall be paid and recoverable from the owner(s) of said vehicle, jointly and severally, in a suit at law.

9-7-5: SALE OF VEHICLE: In the event said inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle is removed and placed in storage by the Village, then said vehicle may be sold by the Village at any time thereafter at public or private sale as the Village shall determine in its sole discretion. If the sale proceeds are insufficient to pay the costs of sale, removal and storage expenses, then the owners shall be jointly and severally liable to the Village for the balance of such costs and expenses and to be recoverable in a suit at law. If the sale proceeds are sufficient to pay said costs of sale, removal and storage expenses, then the balance shall be deposited with the Village Treasurer and shall be paid to any one or more of the owners of such vehicle, if known and located as the Village shall determine.

9-7-6: NON-LIABILITY OF VILLAGE, ETC.: The Village, its elected and/or appointed officers, agents, employees, Village President, Board of Trustees, the Village's Police Department and the members thereof, and the towing service owner or storage service owner, operator, agent or employee shall not be liable for damages in any action brought by any owner or former owner or the owner's legal and/or personal representative, successors or assigns, lien holder or any other person legally entitled to the possession of any vehicle when said vehicle was processed or disposed of according to this Chapter.


9-7-7: PENALTIES: In addition to and not in lieu of any of the other penalties or provisions set forth in this Chapter, any person violating any of the provisions of this Chapter shall, upon conviction, be fined as provided in Section 1-1-20 of this Code for each separate offense, and a separate offense shall be deemed to occur on each day on or during which a violation is deemed to exist or continues.

Section 2: That the provisions of other Village of Mt. Auburn Ordinances, to the extent they duplicate, conflict with or otherwise affect the validity hereof, shall be disregarded. Article VI to Chapter 9 of the Mt. Auburn Village Code is hereby rescinded and deleted.

Section 3: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision or portion of this Ordinance which is not, in or of itself, invalid or unconstitutional.

Section 4. This Ordinance shall be in full force and effect sixty (60) days from and after its passage, approval and publication in pamphlet form as provided by law.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call vote, the Ordinance was passed, approved and adopted this 1st day of November 1999.



BRUCE HOHENSTEIN, Village President of the
Village of Mt. Auburn, Illinois

ATTEST:

TAMMY HAMELL, Village Clerk

(MUNICIPAL SEAL)

AYES: Beck, Bottrell, Clayton, Campbell, Copembaeger,
Hampstead

NAYS: _____

ABSENT: _____

FILED IN THE OFFICE OF THE VILLAGE CLERK, VILLAGE OF
MT. AUBURN, ILLINOIS, ON THE 1st DAY OF November 1999.

PUBLISHED IN PAMPHLET FORM, THIS 1st DAY OF November, 1999

CERTIFICATE


STATE OF ILLINOIS)
) SS.
COUNTY OF CHRISTIAN)

I, TAMMY HAMELL, certify that I am the duly elected and acting Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on November 1, 1999, the Mt. Auburn Board of Trustees passed and approved Ordinance No. 74, entitled, "**AN ORDINANCE AMENDING ARTICLE VII TO CHAPTER 9 TO THE MT. AUBURN VILLAGE CODE (Re: Abandoned, Damaged, Inoperable or Unlicensed Vehicles)**" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 74, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on November 1, 1999, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois, this 1st day of November, 1999.



TAMMY HAMELL, Village Clerk

(Municipal Seal)